



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

COMPASS BANK,
Plaintiff,
v.
ALVIRA KHAN, et al.,
Defendants.

NO. CV 12-10482-UA (DUTYx)

**ORDER SUMMARILY
REMANDING IMPROPERLY
REMOVED ACTION**

The Court will remand this unlawful detainer action to state court summarily because Defendant removed it improperly.

On December 7, 2012, Defendant, having been sued in an unlawful detainer action in California state court, lodged a Notice of Removal of that action to this Court and also filed a request to proceed *in forma pauperis*. The Court has denied the latter request under separate cover because the action was not properly removed. To prevent the action from remaining in jurisdictional limbo, the Court issues this Order to remand the action to state court.

Simply stated, Plaintiff could not have brought this action in federal court in the first place in that the complaint does not competently allege facts supplying either diversity or federal question jurisdiction, and therefore removal is improper.

1 28 U.S.C. § 1441(a); see *Exxon Mobil Corp v. Allapattah Svcs., Inc.*, 545 U.S.
2 546, 563, 125 S. Ct. 2611, 162 L. Ed. 2d 502 (2005). Defendant's notice of
3 removal asserts that diversity question jurisdiction exists. (Notice at 2-6).
4 However, the amount in controversy does not exceed \$75,000. See 28 U.S.C. §
5 1332(a).

6 Accordingly, IT IS ORDERED that (1) this matter be REMANDED to the
7 Superior Court of California, Los Angeles County, Chatsworth Courthouse, 9425
8 Penfield Avenue, Chatsworth, California, 91311 for lack of subject matter
9 jurisdiction pursuant to 28 U.S.C. § 1447(c); (2) the Clerk send a certified copy of
10 this Order to the state court; and (3) the Clerk serve copies of this Order on the
11 parties.

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14 DATED: 12/17/12



GEORGE H. KING
United States District Judge